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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,169	07/31/2003	Don F. Mackrill	030548	7537

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,169

Applicant(s)

MACKRILL ET AL.

Examiner

Hanh V. Tran

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Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 17, 18, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/31/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Specification

2. The abstract of the disclosure is objected to because it includes legal phraseology, such as "means". Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-7, 8-10, 12-14, , and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5, "the at least one vibration damping means" lacks antecedent basis. Claim 8, "the table mounting plate" and "the vibration damping means" both lack antecedent basis. Claim 9, line 2, "said

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axis" lacks antecedent basis. Claim 12, line 4, "the table mounting plate" lacks antecedent basis. Claim 23, line 3, "each said guide member" lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 11-12, 15-16, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Flomat Ltd Drawings of Lift Table, 1984 (Flomat).

Flomat discloses a table assembly comprising all the elements recited in the above listed claims including (a) a bag support table 1 having an upper surface; (b) at least one vibrating motor 12 for vibrating the bag support table, the at least one vibrating motor being connected to the bag support table 1 and being located below the upper surface of the table; (c) a lifting device (3-4,10) for raising and lowering the bag support table 1 along an axis, the lifting device being located below said bag support table 1, (d) at least one resilient connector 14 through which the lifting device is connected to the bag support table, the at least one resilient connector damping vibrations produced by the at least one vibrating motor 12 and transmitted from the bag support table to the lifting device; (e) a table mounting plate 7 having an upper surface and a lower surface, the bag support table 1 being mounted on the upper surface through the at least one resilient connector 14 and the lifting device being attached to the lower surface; wherein the lifting device comprises a convoluted air bellows, wherein the convoluted air bellows

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has a top plate, a bottom plate and an expandable central portion between the top and bottom plates, the top plate being secured to the lower surface of the table mounting plate; a base plate having an upper surface on which the lifting device is mounted; at least one upper stop member for preventing upward movement of the bag support table beyond an upper height limit, said upper stop member being defined as the maximum extension of the scissor arms and/or the bellows; at least one guide member for guiding vertical movement of the bag support table, said at least one guide member being defined as the scissor arms.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5-10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flomat in view of USP 6,854,401 to Lin.

Flomat discloses all the elements as discussed above except for the at least one vibration damping means comprises a plurality of spring supports, two vibrating motors, the bellows has a central axis which is coincident with a central axis of the table mounting plate.

Lin teaches the idea of using a plurality of spring supports for damping purpose. Therefore, it would have been obvious to modify the structure of Flomat by providing the at least one vibration damping means comprises a plurality of spring supports for damping purpose, as taught by Lin, since both alternate conventional table assembly structure, thereby providing structure as claimed. In regard to there are two vibrating motors, it would have been an obvious matter of engineering choice and well within the level of one skill in the art to vary the number of vibrating motors based on its intended purpose. In regard to the bellows has a central axis which is coincident with a central axis of the table mounting plate, it would have been an obvious matter of engineering choice to use one bellow in place of two, as disclosed by Flomat, as long the replaced one bellow can provided the same amount of lifting force of the previous two. Further, should only one bellow being used, it would have been obvious to locate the bellow with a central axis which is coincident with a central axis of the table mounting plate.

Allowable Subject Matter

11. Claims 17-18, and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riemersma, Johnson et al, Bardsley et al, Rewitzer, Palmer, McClusky, Gibbons, Ruge, and Morita all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

October 1, 2005



Hanh V. Tran
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